

PROB12A1

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

REPORT OF OFFENDER NON-COMPLIANCE

Offender Name: Ana Luise MARTINEZ

Docket Numbers: 2:03CR00147-03, 2:03CR00149-02

Offender Address: Downey, California

Judicial Officer: Honorable Frank C. Damrell, Jr.
United States District Judge
Sacramento, California

Original Sentence Date: 09/27/2004

Original Offense: 03CR00147: 18 USC 1347 and 2 - Health Care Fraud,
Aiding and Abetting
03CR00149: 18 USC 1347 and 2 - Health Care Fraud,
Aiding and Abetting
(CLASS C FELONIES)

Original Sentence: 03CR00147: 48 months probation to run concurrent with
related case; \$100 special assessment; \$240,000 restitution.
03CR00149: 48 months probation to run concurrent with
related case; \$100 special assessment; \$202,000 restitution.

Special Conditions: 03CR00147 and 03CR00149: Not dispose or dissipate assets
until restitution is paid in full; Financial disclosure; Not incur
new credit charges or open additional lines of credit; Reside
and participate in a residential community corrections center
for a period of 12 months.

Type of Supervision: Probation

Supervision Commenced: 09/27/2004

Assistant U.S. Attorney: Daniel S. Linhardt **Telephone:** (916) 554-2700

Defense Attorney: Shari G. Rusk **Telephone:** (916) 804-8656

Other Court Action: None.

RE: Ana Luise MARTINEZ
Docket Numbers: 2:03CR00147-03, 2:03CR00149-02
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NON-COMPLIANCE SUMMARY

The purpose of this report is to advise the Court of an alleged violation of the terms of supervision. The Probation Officer has developed a plan to dispose of the alleged non-compliance with action less than revocation, and the Court is requested to approve the plan to address the non-compliance.

1. IRREGULAR RESTITUTION PAYMENTS

Details of alleged non-compliance: Ms. Martinez was placed on probation supervision for a term of 48 months concurrently on both cases. Each case obligates Ms. Martinez to pay restitution. Regarding Case No. 03CR00147, Ms. Martinez was ordered to pay \$240,000 in restitution. Regarding Case No. 03CR00149, Ms. Martinez was joint and severally ordered to pay \$202,000 in restitution. Shortly after sentencing, transfer of supervision to the Central District of California was accepted. Based on her income and ability to pay, Ms. Martinez was instructed to make payments of \$150 on a monthly basis, which she has done. Throughout the period of supervision, Ms. Martinez' economic circumstances have been monitored for changes that might effect ability to pay. Computer asset searches have uncovered no unreported assets. It was later discovered all payments were being applied to Case No. 93CR00147. Therefore in April of 2007, the probation officer instructed Ms. Martinez to split her payment and submit \$75 payments towards each docket numbers. Ms. Martinez followed these instructions, however, we understand no payments were applied to case 03CR00149. As of March of 2008, Ms. Martinez appears to have paid \$5,475 towards her financial obligation. Ms. Martinez's probation is set to expire on September 26, 2008, however, she has been unable to establish a payment schedule sufficient to ensure full collection prior to expiration of supervision.

United States Probation Officer Plan/Justification: Ms. Martinez continues to reside with her children and work at a community center as a case manager. Her income has remained stable and Ms. Martinez has complied with complete financial disclosure. She is in compliance with all other supervision terms and conditions. We join in the recommendation of the supervising probation officer and recommend probation be allowed to expire as scheduled on September 26, 2008. The United States Attorney Office's Financial Litigation Unit will be notified, and a copy of the

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judgment and commitment order will be provided so they may pursue collection as permitted by statute.

Respectfully submitted,

/s/Glenn P. Simon
GLENN P. SIMON
United States Probation Officer
Telephone: (916) 930-4306


DATED: May 7, 2008
Sacramento, California
GPS/cp

REVIEWED BY: /s/Kyriacos M. Simonidis
KYRIACOS M. SIMONIDIS
Supervising United States Probation Officer

THE COURT ORDERS:

- (X) The Court Approves Probation Officer's Plan, and Orders No Further Action Be Taken At This Time.
- () Submit a Request for Modifying the Conditions or Term of Supervision.
- () Submit a Request for Warrant or Summons.
- () Other:

May 13, 2008
Date


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE

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cc: United States Probation
Daniel S. Linhardt, Assistant United States Attorney
Shari G. Rusk, Defense Counsel